

**UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT**

MIGRANT JUSTICE, a Vermont corporation,
on its own behalf and on behalf of its members;
JOSE ENRIQUE BALCAZAR SANCHEZ;
ZULLY PALACIOS RODRIGUEZ; JOSE
VICTOR GARCIA DIAZ,

Plaintiffs,

v.

CHAD WOLF, Secretary of the U.S.
Department of Homeland Security (DHS);
NATHALIE ASHER, Acting Executive
Associate Director, U.S. Immigration and
Customs Enforcement (ICE); MATTHEW
ALBENCE, ICE/DHS Executive Associate
Director, Enforcement and Removal
Operations; UNITED STATES OF AMERICA,

Defendants.

Case No. 5:18-cv-192 (GWC)

**JOINT MOTION TO EXTEND DEADLINE
FOR THE SUBMISSION OF A DISCOVERY SCHEDULE**

All parties to the above captioned action—Plaintiffs, Defendants Chad Wolf, Matthew Albence, Nathalie Asher, and the United States of America (collectively, the “Federal Defendants”)—hereby jointly move for an extension of time to file a discovery schedule to November 10, 2020. In support of their Motion, the parties rely on the following Memorandum of Law.

MEMORANDUM OF LAW

Under Rule 6(b) of the Federal Rules of Civil Procedure, the Court has discretion to grant an extension of the time to file responsive pleadings or other papers. *See Ramashwar v. City of New York*, 231 F. App’x 26, 28 (2d Cir. 2007) (Summary Order) (noting the court has “wide discretion to grant a request for additional time”) (citing 4B Wright & Miller, Federal Practice

and Procedure: Civil 3d § 1165 (2002)); *see also* Local Rule 26(a)(2) (“For good cause, any party may file a motion to extend the time to file the Discovery Schedule.”).

By way of background, Plaintiffs filed the Amended Complaint on February 7, 2019. (Dkt. #22). On April 22, 2019, the Court granted Federal Defendants’ Second Motion for Extension of Time to File Answer and Joint Discovery Schedule, setting the deadline for Federal Defendants’ answer as May 31, 2019, and the deadline for a joint discovery schedule as June 14, 2019. (Dkt. #34). On May 29, 2019, Defendant Minoli filed a Stipulated Motion for Extension of Time to File Answer (Dkt. #37). On May 30, 2019, the Court granted Defendant Minoli’s motion, setting the deadline for Defendant Minoli’s answer as July 15, 2019. (Dkt. #38). On May 31, 2019, Federal Defendants filed their answer. (Dkt. #39). On June 13, 2019, the parties jointly filed a Motion for Extension of Time to File a Discovery Schedule (Dkt. #40); the Court granted the motion on June 14, 2019. (Dkt. #41). Defendant Minoli filed a Stipulated Motion for Extension of Time to File Answer on June 24, 2019 (Dkt. #43); the Court granted the motion on June 25, 2019 (Dkt. #44). Defendant Minoli again filed a Stipulated Motion for Extension of Time to File Answer on July 26, 2019 (Dkt. #45), seeking an Answer date of September 13, 2019.¹

The parties also filed on July 26, 2019 a Motion for Extension of Time to File a Discovery Schedule (Dkt. #46), which the Court granted on July 29, 2019. (Dkt. #47). That Order set the time to file a discovery schedule as seven business days after the filing of an Answer by Defendant Minoli. Defendant Minoli and Plaintiffs have since successfully negotiated a settlement, and Plaintiffs filed a Stipulation of Dismissal as to Defendant Minoli with the Court on January 21, 2020. (Dkt. #57).

¹ Defendant Minoli moved four more times for extensions of time to answer; each was granted by the Court. (Dkt. #48–55).

Because the deadline to file a discovery schedule was previously tied to the date of Defendant Minoli's Answer, parties jointly filed on January 24, 2020 a Motion for Extension of Time to File a Discovery Schedule to reset the deadline to March 13, 2020 (Dkt. #58), which the Court granted on January 27, 2020 (Dkt. #59). On March 12, 2020, parties requested a 60-day extension to file a discovery schedule until May 12, 2020 (Dkt. #60), which the Court granted on March 13, 2020 (Dkt. #61). On May 12, 2020, parties requested an approximately 60-day extension to the next business day to file a discovery schedule until July 13, 2020 (Dkt. #62), which the Court granted on May 13, 2020 (Dkt. #63). On July 13, 2020, parties requested an approximately 60-day extension to file a discovery schedule until September 11, 2020 (Dkt. #64), which the Court granted on July 13, 2020 (Dkt. #65). Parties now respectfully request a 60-day extension to file a discovery schedule until November 10, 2020. The remaining parties have been engaged in active settlement discussions, and no undue prejudice or delay will occur if the requested extension is granted.

WHEREFORE, the parties respectfully request that the Court grant the Joint Motion for an extension of time to file a discovery schedule until November 10, 2020.

DATED at Brooklyn, New York on this 11th day of September 2020.

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DATED at New York, New York this 11th day of September 2020.

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